

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THOMAS A. BANUS, BRENT BISHOP,
NAVID ALIPOUR, ANIBAL DRELICHMAN,
GUIDO ALVAREZ, and ROBERT GUISTI, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

-against-

CITIGROUP GLOBAL MARKETS, Inc., Does
1-50, Inclusive,

Defendant.

CASE NO. 09-CV-7128

Electronically Filed

I, Gregory B. Simon, declare:

1. I am an associate with the law firm of Kane & Fischer, Ltd. I am one of the attorneys from Kane & Fischer, Ltd. representing Defendant Citigroup Global Markets, Inc. ("CGMI") in connection with arbitration proceedings which were commenced against Plaintiff Thomas A. Banus ("Banus") on February 18, 2008, before the Financial Industry Regulatory Authority ("FINRA"), seeking to enforce the terms of a promissory note. The arbitration was initiated pursuant to the terms of the promissory note which Banus signed as well as the terms of his Uniform Application for Broker-Dealer Registration ("U-4"). A true and correct copy of Banus's U-4 is attached hereto as **Exhibit A**.

2. Banus filed an Answer to CGMI's Statement of Claim on May 2, 2009. A true and correct copy of Banus's Answer is attached hereto as **Exhibit B**.

3. The parties thereafter engaged in discovery, including the exchange of written document requests, and prepared for the hearing by exchanging pre-hearing information.

4. A hearing before FINRA was held on August 11, 2009. A true and correct copy of relevant excerpts from the hearing transcript before FINRA is attached hereto as **Exhibit C**.

5. On September 25, 2009, Banus's counsel, Mark Thierman, requested a hearing regarding the enforcement of the arbitration award and advised FINRA that a "petition to vacate" the award had been filed "as a first amended complaint" in the above-captioned action. A true and correct copy of Mr. Thierman's September 25, 2009 letter is attached hereto as **Exhibit D**.

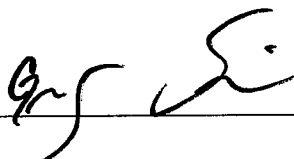
6. CGMI has also sought repayment of loans disbursed to Plaintiffs Brent Bishop, Navid Alipour, Anibal Drelichman, Guido Alvarez, and Robert Guisti, all of whom resigned from their employment with CGMI at various times between 2006 and 2009. True and correct copies of the resignation letters from Bishop, Alipour, Drelichman, Alvarez, and Guisti are attached hereto as **Exhibits E-I**, respectively. True and correct copies of the promissory notes Bishop, Alipour, Drelichman, Alvarez, and Guisti signed are attached hereto as **Exhibits J-N**, respectively.

7. Attached hereto as **Exhibit O** is a true and correct copy of Plaintiffs' Second Amended Complaint filed in the above-captioned matter.

8. For the Court's convenience, attached hereto as **Exhibit P** is a copy of the arbitration decision in Faivre v. Olde Discount Corp., No. 94-01627, 1995 NASD Arb. LEXIS 1264 (Oct. 16, 1995). Attached hereto as **Exhibit Q** is a copy of the arbitration decision in Hirsch v. PaineWebber, Inc., No. 92-00145, 1993 NASD Arb. LEXIS 521 (May 23, 1993).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of January, 2010.



Gregory B. Simon